

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2016-0050**

APPROVING AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE COLORADO RIVER BASIN REGION (BASIN PLAN), CHAPTER 4, SECTION II.H.2.C, (TOWN OF YUCCA VALLEY) TO REVISE THE SEPTIC TANK DISCHARGE PROHIBITION IN THE TOWN OF YUCCA VALLEY, SAN BERNARDINO COUNTY

WHEREAS:

1. On March 10, 2016, the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) adopted [Resolution No. R7-2016-0001](#) approving a substitute environmental document and amending the Colorado River Basin Water Quality Control Plan (Basin Plan) to revise a septic tank discharge prohibition in the town of Yucca Valley, San Bernardino County.
2. The Colorado River Basin Water Board resolution concluded that this Basin Plan amendment was necessary to ensure: (a) the proposed centralized sewer system is constructed at the earliest practicable date; (b) the discharge from the septic systems is eliminated at the earliest practicable date; and (c) the internal boundaries of the Prohibition accommodate technical and economic constraints associated with the centralized system and are consistent with the Assessment District approved by Yucca Valley property owners affected by the Prohibition. Accordingly, the Colorado River Basin Water Board determined that this regulatory action meets the “necessity” standard of the Administrative Procedures Act, Government Code Section 11353, subdivision (b). The State Water Board concurs with that determination and thus, finds that this regulatory action meets the “necessity” standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b). The necessity of the Basin Plan amendment is further supported in the Staff Report for the amendment.
3. The proposed amendment establishes a monitoring and reporting program, and a series of milestones to ensure the Hi-Desert Water District (HDWD) municipal sewage collection system and wastewater treatment and reclamation facility (WRF) are constructed at the earliest practicable time. The proposed amendment revises the Prohibition for the Town of Yucca Valley as follows:
 - Extends the deadline for Phase 1 from May 19, 2016, to June 30, 2021;
 - Extends the deadline for Phases 2 and 3 from May 19, 2019, and May 19, 2021, respectively, to a single deadline of December 31, 2025;
 - Revises the internal boundaries for Phases 1, 2, and 3 to coincide with the adjusted phase boundaries provided by the HDWD;
 - Incorporates into the Prohibition criteria for addressing “deferred” properties; and
 - Eliminates outdated and unnecessary language.

4. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) requirements for preparing environmental documents. (Cal. Code Regs., tit. 14, § 15251, subd. (g); Cal. Code Regs., tit. 23, § 3782.) The Substitute Environmental Documents (SED) include the *Final Staff Report for the Amendment to the Water Quality Control Plan for the Colorado River Region to Revise the Septic Tank Discharge Prohibition in the Town of Yucca Valley*, dated March 2015, the environmental checklist and analyses, the comments and responses to comments, and the Basin Plan amendment language.
5. In accordance with the California Code of Regulations, Title 23, Section 3775 et seq., the Regional Water Board has prepared the required SED. The CEQA environmental checklist and determination includes an identification of any significant or potentially significant adverse environmental impacts of the proposed project; an analysis of reasonable alternatives to the project and mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts; and an environmental analysis of the reasonably foreseeable methods of compliance. The environmental analysis includes all of the following: (A) An identification of the reasonably foreseeable methods of compliance with the project; (B) An analysis of any reasonably foreseeable significant adverse environmental impacts associated with those methods of compliance; (C) An analysis of reasonably foreseeable alternative methods of compliance that would have less significant adverse environmental impacts; and (D) An analysis of reasonably foreseeable mitigation measures that would minimize any unavoidable significant adverse environmental impacts of the reasonably foreseeable methods of compliance. The analysis takes into account a reasonable range of environmental, economic, and technical factors.
6. Consistent with Public Resources Code section 21081(b), specific overriding economic, legal, social, technological or other benefits may outweigh the unavoidable adverse environmental impacts. The State Water Board has reviewed the SED for the Basin Plan amendment and concurs with the Colorado River Basin Water Board's findings and determinations, including the CEQA analysis, concluding that the proposed project has less than significant impacts that are individually limited, but cumulatively considerable. The CEQA analysis also concludes that the proposed amendment may have significant or potentially significant effects on the environment, and therefore alternatives and mitigation measures were evaluated.
7. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that each regional board shall formulate and adopt water quality control plans for all areas within their respective region, and that such plans shall conform to the policies set forth in Chapter 1 (commencing with Water Code Section 13000) and any state policy for water quality control.
8. A Basin Plan amendment does not become effective until approved by the State Water Board and until regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE, BE IT RESOLVED THAT:

1. The State Water Resources Control Board hereby approves the amendment to the Basin Plan, as adopted under Colorado River Basin Water Board Resolution No. R7-2016-0001.
2. Authorizes the Executive Officer or designee to submit the amendment adopted under Colorado River Basin Water Board Resolution No. R7-2016-0001, as approved, and the administrative record for this action to OAL for approval of the regulatory provisions.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 20, 2016

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board